

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY BAR ASSOCIATION
OFFICE OF BAR COUNSEL

DETAILS OF COMPLAINT

1. Comes now Donald Thrasher (“Thrasher”) as and for his complaint alleges as follows: Jason Paul Floyd (“Floyd”) has engaged in an ongoing pattern of dishonest, unethical behavior in his capacity as a licensed attorney in Kentucky. He utilizes his law license to abuse, manipulate, bully and intimidate to the detriment of the public and to the other attorneys in the Commonwealth that are made to look bad by Mr. Floyd's errant behavior. Behavior including client deception, misleading and deceptive communications in 2 Nelson County Circuit Court cases, witness intimidation and manipulating an elderly purported client.

2. While the Nelson County Republican Party (“NCRP”) is the subject of the appeal referenced in this complaint I am not filing this complaint in my capacity as Chairman of the NCRP or in anyway on behalf of the NCRP. I am making this complaint on behalf of myself as an individual.

VIOLATION OF RULE 8.3 (CLIENT DECEPTION)

3. On or about December 14, 2109 Floyd filed a vexatious and frivolous non-judicial appeal purportedly on behalf of his mother Barbara Floyd and uncle David Floyd and other named “appellants”. The appeal is to the Republican Party of Kentucky (“RPK”) in regards to the Nelson County Republican Party (“NCRP”)'s recent appointments to fill vacancies in its county committee (“Appeal”)(see EXHIBIT 1 attached hereto). The RPK bylaws allow for an appeal to the 2nd Congressional District Committee and subsequent appeals to the RPK State Central Committee.

4. Floyd was intentionally deceptive by not communicating the true breadth and scope of the appeal to his clients (appellants). Joe Armstrong an elderly (age 90) Nelson County Republican had asked to be removed from the appeal because he was not informed of the extent of the appeal and the

prayer for relief therein. Floyd attempted to manipulate Mr. Armstrong in order to get him back on the Appeal. Upon information and belief Floyd failed to personally contact or in any way personally inform the named appellants in the appeal of its true extent and nature.

Floyd's mother and uncle essentially were the intermediaries between the appellants and Floyd.

5. Floyd used his position as a licensed attorney to attempt to enter a non-judicial appeal with a non-governmental organization on behalf of people who were all not fully cognizant of the facts of the appeal nor had they been allowed to review or sign the appeal prior to filing. Floyd erroneously signed the appeal on behalf of the purported appellants either with intent to keep them from reviewing the full document or with the intent to mislead the RPK into believing he had power of attorney documentation in order to sign on the purported appellants behalf.

VIOLATION OF RULE 8.3
(MISLEADING AND DECEPTIVE COMMUNICATIONS IN 2 NELSON COUNTY
CIRCUIT COURT CIVIL ACTION)

6. Floyd's reckless behavior has been so egregious and unconscionable that Thrasher was forced to file a motion for a Restraining Order (EXHIBIT 2 attached hereto) against Floyd to preclude his false misrepresentations. On September 23, 2017 while representing his client in Nelson County Circuit Court case number 17-CI-00483 Mr. Floyd maliciously and with oppressive intent published an email to his client, Defendant Bradley Dykes who was "cc'd" (carbon copied) on an email or electronic mail sent to Plaintiff Donald Thrasher. Mr. Floyd's email stated:

"Your communication with the opposing party violates the local rules." Plaintiff replied to Floyd with the following email: "Mr. Floyd, I have reviewed the Local Rules of Practice for the 10th Judicial District and do not find any rule precluding my previous communication with Mr. Dykes. If your intent is to misrepresent the Local Rules of Practice for the 10th Judicial District that would be a violation of Kentucky SCR 3.130(8.4) Misconduct (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Misconduct is subject to a formal complaint to the Office of Bar Counsel."

7. Amazingly, instead of Floyd apologizing as being a mistake and all parties move forward, Floyd's deception continues and doubles down on his deceptive behavior and sends a subsequent email (Exhibit 2A) this time in an attempt to cover up his first statement he states:

"Mr. Thrasher: All Local Rules of Practice incorporate the Rules of Professional Conduct .See SCR 4.2 for the rule in question."

8. Nowhere in the current 10th Judicial Districts Local Rules of Practice does it incorporate the Rules of Professional Conduct. And even if it did SCR 4.2 did not apply to Thrasher. Clearly Thrasher was proceeding Pro Se. As such SCR 4.2 does not apply. When Thrasher pointed this out to Floyd on the phone, the maze of rationale became, "Because Pro Se Plaintiff's are admonished to abide by Rules of Professional Conduct". Assuming arguendo, that the 10th Judicial Circuit does have an unwritten policy to admonish all Pro Se litigants to abide by the Kentucky Supreme Court Rules of Professional Conduct, even then the rule Floyd states Thrasher violated does not apply.

SCR 3.130(4.2) Communication with person represented by counsel states:

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Comment No. 4 for SCR 3.130(4.2) states: "Parties to a matter may communicate directly with each other"

9. Floyd clearly and unambiguously stated that Thrasher violated local rules. What makes it a more egregious matter is the fact that he copied the email to his client. Mr. Floyd essentially defamed Plaintiff in that email. However, before the hearing date for Thrasher's Motion For Restraining Order the case was settled.

10. Amazingly, in a Nelson County Circuit Civil case in 2000 entitled Windsor Gardens LLC vs. Hill, Floyd threatened contempt action against Geoffery Hill the former CEO of a nursing home Mr. Floyd's parents and uncle own.

11. Floyd tried to bully and intimidate Geoffery Hill who was not represented by an attorney. On June 6, 2000 Floyd corresponded the following: "I am aware that you made contact by email with members of my client's company. As they are represented by counsel in this lawsuit you are

to have no further contact with them either direct or indirect means. Further violation of this Kentucky rule, and I will move for appropriate contempt motions through the Court.” (Exhibit 3)

12. Floyd here again deceptively threatened a *pro se* litigant, this time with the improper threat of contempt, which most people would view as jail.

ATTEMPTED WITNESS INTIMIDATION

13. On September 23, 2019 I filed a formal complaint to the Kentucky Registry of Election Finance. The complaint alleged that the Nelson County Organization of Republican Women (“NCORW”) failed to abide by the Election Finance laws of Kentucky. In addition the group who is heavily influenced by Barbara Floyd, Floyd's mother failed to turn over funds to the local Republican Party.

14. After the KREF Complaint was filed I communicated to Mr. Floyd, who is representing the NCORW that I was upset that he said he was not representing the group when I asked him if we could mediate the matter. A few of the members of the NCORW were upset Floyd was chosen to represent the group. I had stated there was a possibility that I would file litigation in addition to the KREF complaint. The email to Floyd was carbon copied to the NCORW leadership and the other leaders of the Nelson County Republican Party. One of which had just resigned as President from the NCORW over the groups failure to turn over the money and file reports to KREF.

15. In Floyd's response email he made a veiled threat in an attempt to intimidate the key witness in the KREF complaint, Brenda Alexander, the former President of NCORW (“Alexander”) and I believe also was trying to intimidate me. Floyd stated:

“You have the absolute right to file whatever you wish. Of course doing that opens you up to the civil rules and subpoena power, where discovery can take place on virtually any aspect of a litigant's life, whether they relate to the substance of the case or not. In fact the KREF Complaint, if it blossoms into an administrative case, does the exact same thing.” (Exhibit 4)

16. Later in the same email chain Floyd threatens the Trust I am the sole Trustee of by saying:

“Are you paying rent for living in the home owned by the Trust which is supposed to be distributed to your nephew in 2-3 years? If I was him, I would want you to maximize the value of my

asset, as is required by your fiduciary obligation. Perhaps Judge Kelley should look at this sua sponte. Its hard to tell from the file, because you have not filed any periodic returns. I remember in the lawsuit a couple of years ago, you became extremely agitated when I filed that motion to amend my answer to include a counterclaim that named the Trust as a party, since the Trust owned the real estate that was the subject of the litigation. We settled very quickly thereafter, if I recall. Perhaps you can look at it in your review of my public files.” (Exhibit 5)

17. His implication that I am breaching my fiduciary duty, and suggesting that Judge Kelly the presiding Judge that ruled on a trust change, “should look at this sua sponte” is an attempt to scare, bully and intimidate.

CONCLUSION

18. Jason P. Floyd acts deceptively and intentionally misleads clients and opposing parties. His conduct is unbecoming what an attorney is supposed to represent. He continually violates the Rules of Conduct and Thrasher intends on trying to find other instances and victims of Floyd's intimidation and wrongful conduct. I respectfully ask the Office of Bar Counsel to begin investigating and take action to stop Floyd from further deleterious actions that diminish the upstanding members of the Kentucky Bar.

I swear the foregoing statements are true and correct to the best of my knowledge and belief and I will voluntarily appear and testify to the facts in the complaint if called upon to do so by the Kentucky Bar Association.

Donald Thrasher

NOTARY'S CERTIFICATE COMMONWEALTH/STATE OF: _____
COUNTY OF: _____) The above complainant,
_____, (print complainant's name) appeared before me in person, and
the complaint being subscribed and sworn to before me, a Notary Public, in and for the State and
County this _____ day of _____, 20 ____.

NOTARY PUBLIC
My Commission expires: _____